

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.:	004770.00671
JUHA-PEKKA SIPPONEN		
Serial No.:	Group Art Unit:	3625
09/843,718		
Filed:	Examiner:	Naeem U. Haq
April 30, 2001		
For:	Confirmation No.:	9439
Ticketing With Printing Option		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Box AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-14501

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated December 20, 2006, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005. Specific errors relied upon in this Pre-Appeal Brief Request for Review include the following: The asserted references do not teach the asserted step(s); and combining the asserted references does not teach the recited elements of the rejected claims.

Aspects of the claimed embodiments relate to wireless networks that are configured to permit a user of a personal trusted device ("PTD") or mobile terminal to order tickets over the network. System and methods allow a user to print the purchased ticket from the wireless device to an authorized printing device that selected by the mobile terminal. (Sub. Spec., page 2, para. 0004, lines 1-8). In each of the pending independent claims, authorization for the printing device is determined by the ticket provider (e.g., claim 18 recites "server of the provider," claim 33 recites "server of the ticket

service provider,” claim 56 recites “ticket service provider service”). Claim 18 provides an illustrative example of one such embodiment.

A method of electronically purchasing tickets comprising:
using a mobile personal trusted device of a purchaser which is in wireless communication with a server of a provider of the tickets to select a ticket to be purchased;
using the mobile personal trusted device to communicate with the server which verifies a purchase of a selected ticket and authenticity of the purchaser;
signing with the server a contract representing purchase of the ticket by the purchaser; and
saving in a memory information regarding the purchase from which the purchased ticket is output by an authorized device selected by the mobile personal trusted device with authorization being determined by the server of the provider.

Specifically in regards to the last element, the Examiner asserts Block teaches the saving information regarding the purchase, LaBrie teaches “the purchased ticket is output by an authorized device selected by the mobile personal trusted device,” and Lapstun teaches that “authorization of the output device is determined by the server of the provider.” (Office Action dated December 20, 2006, page 6)

The Applicants respectfully request reversal of the rejection because: A) LaBrie does not teach the asserted step; B) even assuming, arguendo, that LaBrie discloses the asserted step, applying LaBrie against the teachings of Block would “destroy the reference;” and C) Lapstun teaches away from the recited elements of the rejected claims.

A. LaBrie does not teach the asserted step

The Applicants respectfully traverse the assertion that LaBrie teaches the step of the purchased ticket is output by an authorized device selected by the mobile personal trusted device. Specifically, the Office Action alleges that paragraphs 48, 70-72 and 75, when combined, teach the limitation. The Applicants respectfully disagree that combining the 5 paragraphs provides an enabling disclosure to teach or suggest the limitation. First, while paragraph 48 indicates that an access point can be “any device providing a user interface at or through a network”, the remaining specification, makes it clear that any printing may only be done at fixed locations and only at a printer affixed to that fixed location, **and not a portable electronic device**. As noted by the Office Action, paragraph 75 recites that “[t]he subsystem may provide the user the option of obtaining tickets and/or of placing a reservation (if necessary) for a visit to the attraction. (Tickets may be ordered for subsequent pick-up by the user or printed by a printer at any authorized access point.)” Thus, as discussed in more detail below, the ticket is printed to an attached printer (the printer at a stationary access point and no indication that it is selected by a mobile terminal).

Upon review of LaBrie, references to printing from the access point are when a user is physically present at a **stationary** access point and not utilizing a mobile electronic device (in which case the user may have to pick up the tickets as referenced in paragraph 75). For example, paragraph 43 recites the advantage of “offering the convenience of access points in close proximity to where users spend the majority of their time, the “common areas” of the site (e.g. resort or cruise ship) or alternatively by using mobile electronic devices with wireless networking technologies provided to visitors to the site or brought to the site by the user.” (Paragraph 43; emphasis added). Thus, “mobile electronic devices” may be used alternatively to the stationary “access points” that may strategically located throughout the common areas or the like. This is repeated throughout the LaBrie as shown below.

1. Usage of “Access Point”

“[T]he Navigator system provides a user with the ability to identify various destinations on the cruise ship and provides instructions in the form of directions from **one destination** (e.g. **an access point** providing a user interface such as at a kiosk) to another destination...Through the user interface, the user at a present location (i.e. the location of the access point presenting the user interface) will then select a destination.” (Paragraph 61; emphasis added) “Using the Navigator system, a user **may approach** any one of several conveniently-placed access points (e.g. kiosk) and through the user interface obtain directions to any destination on the site.” (Paragraph 62; emphasis added) Thus, the Access points are stationary devices at a destination that a user may approach.

2. Usage of “Mobile” or “Portable Electronic Devices”

According to a particularly preferred embodiment, the Navigator system may include an interface with a Global Positioning System (GPS) that will provide the user real time positioning and tracking information about a passenger's exact location within a cruise ship or within a particular site. Using the Navigator system, a passenger may receive a location signal instantaneously from a GPS satellite, from any location within the cruise ship, through a portable electronic device such as a handheld computer, PDA, or similar device equipped with a GPS receiver.

Thus, if a user utilizes an access point, there is no mobile personal trusted device as recited in the rejected claims (nor can there be a “user terminal” as claimed). Furthermore, neither the term “mobile electronic device” nor “portable electronic device” is referenced in the cited paragraphs in regards to printing documentation nor is there any indication the output device is selected by the user

of the trusted terminal when using a stationary access point. **Thus, in either event, at least one element of the recited claims is not met.** Because claims 33, 56, 69, 84, 107, 116, 120, and 122 are rejected “under the same rationale”, the Applicant submits the same reasons of allowance for those claims. For at least this reason, the Applicant respectfully requests reconsideration and withdrawal of the rejection.

B. Applying LaBrie against the teachings of Block would “destroy the reference”

There is no teaching or suggestion that the tickets of Block are outputted by an authorized device selected by a mobile personal trusted device. In fact, the only output referenced states: “Tickets can be printed out either at AirportAmerica Kiosks 11 (see FIG. 1) located strategically throughout the airport through a partnering with the local sponsor airport, or on a computer printer.” (Para. 0668, lines 13-17) First, if a user (“member”) utilizes a portable device to buy a ticket, there is no teaching the portable device can select which AirportAmerica Kiosk it is printed out at.

In an alternative scenario, if the user purchases the tickets directly at the AirAmerica Kiosk, there is no mobile personal trusted device as claimed being utilized (nor can there be a “user terminal” as claimed). As cited above, the Kiosks are “located strategically throughout the airport” and the user must physically retrieve the printout at the Kiosk they are using (*see, e.g.*, para. 0705, stating: “He stops at the AA kiosk 11 near his gate...receives page one of hard copy of a reservation”) Thus further suggesting the Kiosks are not portable nor mobile.

Therefore, if one skilled in the art was following the teachings of Block, they would not be motivated to incorporate the step of saving in a memory information regarding the purchase from which the purchased ticket is output by an authorized device selected by the portable trusted terminal with authorization being determined by the server of the provider. Rather, as discussed above, incorporating such a step would “destroy” the advantages and teachings of Block. Because claims 33, 56, 69, 84, 107, 116, 120, and 122 are rejected “under the same rationale”, the Applicant submits the same reasons of allowance for those claims. For at least this reason, the Applicant respectfully requests reconsideration and withdrawal of the rejection.

C. Lapstun teaches away from the recited elements of the rejected claims

Lapstun is asserted for teaching a system and method where the authorization of the output device is determined by the server of the provider. The claim limitation, however, recites “saving in a memory information regarding the purchase from which the purchased ticket is output by an

authorized device selected by the mobile personal trusted device with authorization being determined by the server of the provider.” Thus, there must be some motivation to combine the teachings of Lapstun with the asserted art to reach the subject matter of the rejected claims. Rather, Lapstun appears to teach away from the recited subject matter. While the cited text mentions a printer has been selected, it merely proposes having an output device selected for an application or simply using a default printer. Moreover, it states this is obtained from the registration server. For example, as provided:

The page server uses the application ID and alias ID to obtain from the registration server the corresponding user ID 60, the user's selected printer ID 62 (which may be explicitly selected for the application, or may be the user's default printer), and the application's certificate.

(Col. 37, lines 51 – 55, emphasis added) Nowhere, does it state the output device selection is done via a portable trusted terminal. In fact, the “mobile device” of Lapstun reads coded data on the ticket after it is printed and when it is in physical proximity. Therefore, the only wireless communication described in the cited text is where a user draws on the surface of the physical document and the movements of the drawings are transmitted back to a printer. (The same arguments apply to the text cited on Col. 4, lines 17 – 22, wherein it is stated: “[t]he optical sensing device may optionally have a marking nib which leaves markings on the document when the user moves the optical sensing device on the document”; emphasis added). One would not be motivated to teach using the wireless pen of Lapstun to select a printing device to print out the ticket, when the teaching is to use the same wireless pen write on the ticket after it was printed out from a printing device not selected by the wireless pen.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office’s consideration of this paper.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this May 17, 2007

By:



Shawn P. Gorman
Registration No. 56,197